

STEVEN L. DERBY, Esq. (SBN 148372)
DEBORAH GETTLEMAN, ESQ. (SBN 267309)
DERBY, McGUINNESS & GOLDSMITH, LLP
1999 Harrison Street, Suite 1800
Oakland, CA 94612
Telephone: (510) 987-8778
Facsimile: (510) 359-4419
info@dmglawfirm.com

Attorneys for Plaintiffs
JOANNE MITCHELL and DONNA SZABADOS

Heather A. Barnes - 263107
HBarnes@mpbf.com
LaKeysia R. Beene – 265078
LBeene@mpbf.com
MURPHY, PEARSON, BRADLEY & FEENEY
520 Capitol Mall, Suite 250
Sacramento, CA 95814
Telephone: (916) 565-0300
Facsimile: (916) 565-1636

Attorneys for Defendant
SUN CITY LINCOLN HILLS COMMUNITY ASSOCIATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOANNE MITCHELL and DONNA
SZABADOS

Plaintiffs,

v.

SUN CITY LINCOLN HILLS
COMMUNITY ASSOCIATION,

Defendant.

CASE NO. 2:20-cv000139-JAM-KJ

Civil Rights

**AMENDED STIPULATION AND ORDER
CONTINUING TRIAL AND RELATED
DATES AND REFERRING MATTER FOR
SETTLEMENT CONFERENCE**

The parties to the instant matter, by and through their respective counsel of record, hereby stipulate and agree as follows:

1. This matter was filed on January 20, 2020. (Docket 1)
2. Defendant's Answer was filed on February 14, 2020 (Docket 5)
3. The entire State of California (and indeed most of the country) began "shutting down" a

1 month later due to the outbreak of COVID-19.

2 4. The restrictions imposed by state and local officials have greatly hampered efforts to
3 conduct discovery in this matter. Further, many of the individuals involved are elderly or have other
4 higher risk factors for serious illness from contracting COVID-19.

5 5. Plaintiffs in this case seek primarily to compel their HOA (Defendant) to provide them
6 access to community activities and other reasonable accommodations of their hearing loss disabilities.

7 6. Because this is primarily a case about policies and not about money, all parties would
8 prefer to conduct preliminary discovery and then attempt to resolve the case with the assistance of a
9 Magistrate Judge of this court before this becomes a case driven by attorneys' fees and expert costs rather
10 than by the policy changes which Plaintiffs primarily seek.

11 7. This court has currently set this matter for trial on August 2, 2021 with pretrial deadlines
12 to disclose experts in early January. While the parties have completed preliminary discovery necessary
13 to seriously discuss resolution of this case, there is not enough time to get into a settlement conference
14 before the expert disclosure deadline. Expert disclosure will increase costs and fees on both sides and
15 the parties would prefer to put that effort and expense toward settlement.

16 8. Therefore, the parties jointly request that the court amend its Pretrial Order as follows:

17 Trial – October, 2021 (or later)

18 Final Pretrial Conference August, 2021 (or later)

19 Expert Disclosure – May, 2021 (or later)

20 Close of Non-Expert Discovery – July 30, 2021 (or later)

21 Dispositive Motions – Filed by June 20, 2021, hearing in July, 2021 (or later)

22 9. The parties further request that this court refer this matter for settlement conference before
23 a Magistrate Judge of this court.

24
25 Date: December 29, 2020

DERBY, McGUINNESS & GOLDSMITH, LLP

26 /s/ Steven L. Derby

27 By Steven L. Derby, Esq.

Attorneys for Plaintiffs

28 JOANNE MITCHEL and DONNA SZABADOS

1 Dated: December 29, 2020

MURPHY, PEARSON, BRADLEY & FEENEY

2
3
4 /s/ LaKeysia R. Beene

By LaKeysia R. Beene

Attorneys for Defendant

5 SUN CITY LINCOLN HILLS COMMUNITY
6 ASSOCIATION

7
8 FILER'S ATTESTATION

9 Pursuant to the Local Rules, I hereby attest that on December 29, 2020, I, LaKeysia R. Beene,
10 attorney with Murphy, Pearson, Bradley, Feeney, received the concurrence of all counsel in the filing of
11 this document.

12 /s/ LaKeysia R. Beene

LaKeysia R. Beene

13 MURPHY, PEARSON, BRADLEY & FEENEY
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**ORDER CONTINUING DATES AND REFERRING MATTER
FOR SETTLEMENT CONFERENCE**

Upon stipulation of the parties and good cause appearing, it is hereby ORDERED as follows;

1. The Pretrial Order issued in this matter on April 1, 2020 (Docket 10) is amended as follows:

Joint Mid-Litigation Statement Filing Deadline: Fourteen (14) days prior to the close of discovery;

Discovery Cutoff Date: July 30, 2021;

Expert Disclosure Deadline: May 28, 2021;

Supplemental Expert Disclosure: June 11, 2021;

Dispositive Motion Filing Deadline: September 10, 2021;

Dispositive Motion: November 2, 2021 at 1:30 p.m.;

Final Pretrial Conference: December 10, 2021 at 10:00 a.m.

Trial: January 31, 2022 at 9:00 a.m.

This matter is hereby referred to for settlement conference at a time and date to be determined.

DATED: December 30, 2020

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE